CITY OF SPOKANE

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DALE E. ARNOLD
DIRECTOR

November 13, 2007

Virginia Darrell, Permit Unit Supervisor
Eastern Regional Office
Washington State Department of Ecology
4601 North Monroe Street
Spokane, WA 99205

E-mail: gdar461ecy.wa.gov

Re: Comments on Draft NPDES Permit – City of Spokane RPWRF

Dear Virginia:

Enclosed are the Comments on Draft for the NPDES Permit.
Please review and we appreciate the opportunity for your comment.

Please contact me at 625-7900 if you have any questions or need further information.

We look forward to continuing our work for achieving water quality standards and protecting our environment.

Sincerely,

Dale E. Arnold, Director
Wastewater Management

DEA

Enclosure

cc: Craig Trueblood, Kirkpatrick & Lockhardt Preston Gates Ellis LLP
Lars Hendron, Principal Engineer -- Wastewater Management
Bob Beaumier, Assistant City Attorney - City of Spokane Legal Department

COMMENTS ON DRAFT NPDES PERMIT AND FACT SHEET FOR CITY OF SPOKANE RIVERSIDE PARK WATER RECLAMATION FACILITY

Introduction

Thank you for the opportunity to comment on the Fact Sheet dated August 28, 2007 and the draft Permit dated September 4, 2007 for the Riverfront Park Water Reclamation Facility (RPWRF). The City's comments are focused on making both the Fact Sheet and Permit as clear and accurate as possible in order to avoid confusion over compliance obligations after the Permit is issued. These comments also focus on areas where the Permit and Fact Sheet need to be consistent with Washington's Water Quality Standards and the Spokane River Dissolved Oxygen TMDL Foundational Concepts. In addition, the City has heard and read about concerns from others during the hearing process and we have made an effort to provide Ecology with the City's thinking regarding those issues. In order for these comments to provide the most useful guidance as the NPDES permit process moves forward, we have provided specific recommendations where

applicable. The City encourages Ecology to issue a final TMDL prior to issuing the Permit in final form. The City is providing comments on the Draft TMDL under separate cover.

Progressive Compliance Approach Authorized by Law and Eminently Applicable to RPWRF Circumstance

The draft Permit reflects thoughtful consideration of the practical and logistical issues that must be addressed before new effluent limits can be established for the RPWRF in accordance with the TMDL Foundational Concepts. The progressive, or adaptive management, approach reflected in the draft Permit is authorized by law and is a sound and reasonable regulatory response in these factual circumstances. To ensure that this is fully understood by all interested parties, it would be helpful if the legal basis and rationale for the approach were more fully explained in the Fact Sheet or other informational document.

In the first instance, it would be useful to highlight the fact that the draft Permit has a five-year duration only and does include limits with which the City is expected to immediately comply. See Draft Permit, p. 7-8, note f; *see also,* Fact Sheet, page 25-26. Concerns about interim and final limits, and the allowable timeframe for Compliance Schedules, are therefore not applicable in the context of this Permit.

In any event, to the extent that the draft Permit anticipates a progressive, or adaptive management, approach to compliance – as set out in more detail in the draft TMDL – that approach is fully consistent with the accord memorialized in the Foundational Concepts for the Spokane River TMDL Managed Implementation Plan ("Foundational Concepts"). In particular, "the first 10 years of MIP efforts need to be in place and operational prior to their consequences being fully assessed. A thorough assessment after the 10th year of the MIP will provide the information necessary to guide actions for a second ten year MIP period. . . . The MIP's actions necessary to eliminate an NPDES permit holder's Delta will be enforceable over the 20 year life of the MIP and the TMDL phosphorous waste load allocation will become enforceable requirements at the end of the 20 years covered

by the MIP." Foundational Concepts, p. 2. Moreover, that approach is consistent with the Washington Supreme Court ruling that adaptive management requirements can provide reasonable assurances in the context of water quality compliance. *Port of Seattle v. Pollution Control Hearings Bd.* 151 Wn.2d 568 (2004).

Furthermore, the Clean Water Act and Washington implementing regulations expressly authorize the use of progressive compliance schedules. Compliance schedules with interim limits are an option in situations just like this where a water quality based effluent limit does not yet exist and/or an existing permittee cannot immediately comply with an existing water quality based effluent limit. 33 U.S.C. 1313, 1362(17); 40 CFR 122.2, 122.47; WAC 173-201A-510. Compliance schedules can be used to provide time for:

(i) Construction of necessary treatment capability;
(ii) implementation of necessary best management practices;
(iii) implementation of additional storm water best management practices for discharges determined not to meet water quality criteria following implementation of an initial set of best management practices;
(iv) completion of necessary water quality studies; or
(v) resolution of a pending water quality standards' issue through rule-making action.

WAC 173-201A-510(4); *see also,* Ecology, Water Quality Program Permit Writer's Manual (July 2006) at VI-46. Interim effluent limitations may be numeric or nonnumeric (e.g., construction of necessary facilities by a specified date as contained in an Ecology order or permit). WAC 173-201A-510(4).

The RPWRF presents exactly the circumstances contemplated by the Clean Water Act and the Washington implementing regulations for a progressive approach to compliance. There is currently no well-established technology that can reliably treat a variety of wastewater discharges to achieve the phosphorous targets. Foundational Concepts, p. 1. Moreover, how the River will respond to significant point and non-point source phosphorus reductions, the full extent of the reductions necessary to alleviate DO

deficiencies, the effect of DO on beneficial uses in the River, and the phosphorus reductions possible over the next 20 years, are not precisely clear at this time. *Id* As explained in the Fact Sheet, the City is in the process of implementing significant treatment capability upgrades to the RPWRF to improve hydraulic capacity; replace old mechanical equipment in headworks, clarifiers and aeration basins; replace pumps, upgrade electrical system and telemetry and SCADA. Fact Sheet, p. 2. Improvements to the solids handling processes are also ongoing. *Id.* In addition, the City is implementing a plan to further eliminate CSOs. Fact Sheet, p. 3. Finally, the City will prepare and implement a "Delta Elimination Plan" to control non-point sources, reuse wastewater, and reduce water use. Fact Sheet, p. 29. The Compliance Schedule approach is, therefore, perfectly applicable and reasonable.

Compliance Schedules may be used in situations like this where there may be increased discharges by an existing permittee. The regulations provide that Compliance Schedules may be used for existing discharges – without limiting that to discharges of the same volume, WAC 173-201A-510(4)(a) – and the Permit Writers Manual interprets the rules as applying to "existing permittees," Manual, at VI-46. Moreover, the limitations as set out in the Federal regulations apply to "new sources" or "new dischargers" (40 C.F.R. 122.47) and the definition of "new discharger" is expressly limited to facilities that have never received a finally effective NPDES permit for discharges at that site. 40 C.F.R. 122.2. As a related point, there is no legal support for the proposition that a permit cannot be issued for an increase in discharge volume from an existing permittee. The regulations only apply this limitation to "new sources" and "new dischargers" as compared with "existing dischargers" 40 C.F.R. 122.4(i); *see also, Friends of Pinto Creek v USEPA* (9th Cir.) October 4, 2007.

Finally, the draft Permit should consistently reflect the understanding that potential future limits have not and cannot be conclusively determined at this time. Fact Sheet, p. 28 ("[I]t is not clear that an effluent TP concentration of 10 ug/L will be the required product final effluent TP . . . "); Foundational Concepts, p. 6 ("When new treatment technology is installed, Ecology will set interim phosphorus permit limits based on engineering reports.

... Final limits applicable during the remaining term of the MIP will be set based on the actual performance of the technology ...."); *see also,* draft Permit, S14, p.42. The draft Permit and any explanatory materials need to consistently reflect this position to avoid creating confusion.

Recommendations

- The Permit Fact Sheet should be revised, or supplemented or some other form of communication should be used, to clearly explain the legal basis for the effluent limits in the permit and progressive compliance approach, and their manifest applicability in the RPWRF context.
- The draft Permit should be revised to consistently reflect the adaptive management approach being used. For example, additional clarifying language should be added at page 42, S14: "The current model output predicts that the final effluent limitations will need to ~~be~~ *achieve an equivalent concentration of* 10 ug/L TP *(which is equivalent to background), however, the final effluent limits will be based on observed operational characteristics and a commitment by the City to implement a "Delta reduction Plan" that includes non-point source programs, water conservation, and wastewater reuse."* In addition, the language describing the Wastewater Facilities Update Plan Update on page 43 of the draft Permit should be revised to better reflect the adaptive management approach to setting limits.

Flow Designations must be Consistent and Accurate

A consistent designation of flows is important for establishing accurate and appropriate effluent limits and waste load allocations for the RPWRF. There currently appears to be some confusion about projected flows to the RPWRF. Several different numbers appear in the Fact Sheet, the Permit and the Foundational Concepts. *See*, Foundational Concepts, p. 3; "Table 3" on p. 11 of the Fact Sheet; and, the "note" to Condition S4 A. of the draft Permit.

The Fact Sheet provides an estimated annual average flow of 56 million gallons per day (MGD) during the dry season, and 60 MGD during the wet season in 2015. These estimates are based on flows to the facility over the past 10 years. The City concurs with these estimates and agrees that these annual average design flows should appear in Permit Condition S4.A.

Recommendation: The draft Permit should be revised to reflect an estimated annual average flow of 56 million gallons per day (MGD) during the dry season, and 60 MGD during the wet season in 2015. Other inconsistent projections should be revised to conform with these figures, or they should be explained to avoid confusion regarding permit compliance.

It should also be noted that flow figures will need to be carefully reviewed during the next NPDES permit renewal (2012) as it is possible that actual flows may be less than projections. Actual flows to the RPWRF are currently less than the annual average design flows. *See,* Fact Sheet, p. 11. In addition, as noted in the Fact Sheet, a combination of actions by the City (continued control of infiltration and in-flow, new water reuse projects, treatment technology upgrades), and actions by Ecology, Spokane County and Airway Heights (permit and build new facilities), should result in actual annual average flows to the RPWRF that are less than 56 MGD during dry weather. *Id.*

Recommendation: The City and Ecology should review the status of these actions and the effects each actually has on flows to the RPWRF during the next NPDES Permit renewal.

Performance-Based Daily Limits Difficult to Reliably Attain and Thus Unreasonable

The City supports the elimination of the old "technology based" minimum 85% removal requirement; however, it has serious concerns about performance based limits for phosphorus and, in particular, the daily maximum. The new permit imposes performance based limits with a daily maximum of 1.1 mg/L and a monthly average of 0.63 mg/L.

Draft Permit, p. 8, footnote f. It is impracticable, however, to develop a meaningful daily maximum for Total Phosphorous at a POTW. The statistically-based daily performance limits will inherently result in a small number of excedences of a daily maximum effluent limit for phosphorous. The complexity and variability of wastewater conditions and characteristics create much potential for contaminated samples and transient (but not representative) periods of effluent degradation. Thus, irrespective of a responsible attitude toward, and a general pattern of, compliance under the proposed system it will be difficult to reliably attain compliance at all times.

EPA regulations to not recommend a daily maximum in this context and in fact provide the regulatory flexibility necessary to use a more relevant approach. While the NPDES permitting regulations require "daily maximum" and "average monthly" limits for continuous discharges from some point sources, the same regulations specifically authorize "average weekly" limitations--rather than daily limitations--for continuous discharges from publicly owned water treatment plants. 40 C.F.R. 122.45(d). In addition, the NPDES permitting authority has flexibility if these rules are "impracticable":

> (d) Continuous discharges. For continuous discharges all permit effluent limitations, standards, and prohibitions, including those necessary to achieve water quality standards, shall **unless impracticable** be stated as: (1) Maximum daily and average monthly discharge limitations for all dischargers other than publicly owned treatment works; and (2) **Average weekly and average monthly discharge limitations for POTWs**.

40 C.F.R. 122.45(d) (emphasis added). EPA guidance emphasizes the flexibility available in setting limits: "[The] NPDES permitting authority [has the] ability to use all available tools to translate TMDLs and their waste load allocations into enforceable effluent limitations in discharge permits." EPA Memorandum: "Establishing TMDL 'Daily' Loads in Light of the Decision by the U.S. Court of Appeals for the D.C. Circuit in Friends of the Earth, Inc. v. EPA, et al., No. 05-5015, (April 25, 2006) and Implications, for NPDES Permits" (Nov, 2006).

Moreover, Ecology appears to recognize the greater importance of average limits and the potential for false non-compliance. The Permit Writers Manual notes that exceedance of an average limit indicates a more serious potential for environmental harm than exceedance of a daily maximum. Ecology, Water Quality Program Permit Writers

Manual (2006) at VI-28. The Manual provides this further explanation as to why the 95th percentile is used for calculating the average limit: "Even so, the Department rarely enforces the occasional exceedance of monthly average limit. Typically, enforcement occurs after several consecutive violations of the monthly average limit or when both the daily maximum and the monthly average have been exceeded. This effectively reduces the probability of false noncompliance to something far less than 0.05." *Id.*

While regulators closest to the permit may understand the inevitability of occasional excedences under the proposed regime, those excedences erroneously suggest to the public that the City is not serious about its commitment to water quality compliance, or the City has violated some legal requirements. The City is committed to responsible actions and policies to ensure a clean and healthy Spokane River and comply with the Clean Water Act. The City believes that the regulatory regime should promote, rather than work against, its efforts to achieve that. The fundamental underlying premise of the Compliance Schedule approach is to provide for attainable compliance goals. It is questionable, therefore, whether a daily maximum limit is appropriate or reasonable in the present context.

Furthermore, because the impact of phosphorus on dissolved oxygen occurs a significant distance downstream in Long Lake over several months, sustained phosphorus compliance is most appropriately determined by a monthly or seasonal average, rather than a daily maximum. This was a key consideration in the Spokane River Collaboration. The 2004 Analyses (Cusimano, 2004, 2007 Spokane River & Lake Spokane TMDL & WQIR, p. 11) concluded that dissolved oxygen improvements would be achieved by reductions in algal biomass and sediment oxygen demand. A significant reduction in aggregate long term phosphorus availability is more dependent upon maintaining high average facility phosphorus removal efficiencies rather than imposing daily maximum limits.

Recommendation. The draft Permit should include a monthly average performance limit for phosphorus (and the daily maximum should be removed). It may be appropriate to add a seasonal average to the permit.

In-stream Temperature Sampling Requirements Are Not Practical

The requirement to continuously monitor receiving water upstream of the outfall and downstream of mixing zone from June to September is unrealistic and unduly onerous. *See* draft Permit, p. 10. First, correct placement of the temperature sensors will be problematic in a very shallow and changing water body, particularly in the case of downstream post-mixing zone measurement. The Spokane River stream bed is not uniform, so during critical low flow periods the midstream depth may be as low as 1 foot in some stretches interspersed with relatively deep pools. Representative thermal monitoring sites would be difficult selected. *Cf* Ecology, Continuous Temperature Sampling Protocols for the Environmental Policy and Trends Section (2003) ("Loggers should be installed as close to the thalweg as possible and six inches off the bottom."); *see also* Ecology, Quality Assurance Project Plan, Spokane River TDG TMDL Evaluation (2003) at p. 12 (monitoring locations would ideally allow the meter to be lowered to at least 5 meters during base flow).

The variable boundary of the mixing zone would make selection of appropriate thermal sensor(s) placement particularly difficult in the RPWRF context. As noted in the Fact Sheet, because the RPWRF outfall was constructed prior to 1992, it is exempt from the geometric zone restrictions in Chapter 173-201 A-100(12). Fact Sheet, p. 17. Instead, numeric criteria are determined using a "variable boundary defined by the effluent plume where the percent effluent is equivalent to that calculated from the maximum dilution factor." *Id*

In addition, the requirement to take <u>hourly</u> grab samples upstream and downstream during a temperature monitoring system failure is unduly burdensome given the length of the mixing zone. Based on past low flow mixing zone studies, complete mixing occurs

within 0.5 mile in almost all cases. The draft Permit defines "continuous" as "uninterrupted except for brief lengths of time for calibration, for power failure, or for unanticipated equipment repair or maintenance. Sampling shall be taken by hourly grab samples when continuous monitoring is not possible." Monitoring Schedule Table A, pp. 10-11. While the City has had other continuous monitoring requirements (flow, pH) in the current and previous permits, the requirement to collect continuous in stream samples, or hourly grab samples during a monitoring system failure, will be far more difficult since it will involve frequent trips to the river. This would entail an hourly trip of approximately 1 mile to the footbridge in Riverside State Park (the only available access point to measure midstream temperatures below the facility discharge point) and even more difficult temporary monitoring access issues upriver from the facility. It is also likely that the river temperature data will be acquired by a submerged recording sensor that is periodically downloaded (local remote), and thus the City would not become aware of the monitoring system failure until the data is retrieved weekly, at a minimum. Given these circumstances, the requirement for hourly manual sampling is unreasonable.

Recommendation. Instead of continuous in stream monitoring, or hourly manual temperature readings during monitor system failure, the permit should require reasonable sensor maintenance activity and documentation of continuous monitoring equipment. Since a single upstream and downstream temperature monitoring sensor would provide less representative data than multiple sensors, the permit should not require manual hourly temperature monitoring due to the increased reliability of redundant monitoring systems.

Power Outage Requirements Unclear and Unattainable

The draft Permit contains treatment obligations during power outages that are unclear and, at least in part, simply unattainable with current technology. Previous permits required "adequate safeguards" sufficient to maintain primary treatment and disinfection systems during a power outage, but the new draft Permit requires secondary treatment processes to be maintained at least to a level "sufficient to maintain the biota". Draft

Permit, pp. 17-18. It is entirely unclear what level of secondary system operability would be "sufficient to maintain the biota."

Moreover, although the draft Permit states that "full levels" of treatment are not necessary, as currently drafted, the Permit implies that the City must have the capability to operate the secondary system at some level. This is simply not possible. Although the City has made significant improvements in power system reliability it still has no capability of operating the secondary treatment processes (i.e. return activated sludge pumps and aeration basins) during an electrical outage for even a short period of time. Our experience with power outages indicates that the secondary treatment system biotic community is relatively resilient and suffers no lasting detrimental impacts from short duration incidents (several hours). Considering the electrical system improvements recently implemented, and the fact that Avista formally acknowledges the critical importance of the facility, the existing permit power requirement is adequate. A backup electrical generating system of sufficient magnitude to operate the secondary treatment system, even at a very low level, would have to provide megawatt generation capability. Such as system would cost several million dollars, and is a poor use of significant capital resources for such an infrequent purpose.

Recommendation. Retain existing permit requirement to reflect current inability to operate secondary systems during power outages and provide technical guideline as to what level of secondary treatment system operation constitutes sufficient biotic support.

Stormwater Management

It is appropriate that the draft Permit does not address the City's stormwater system. As explained in the draft TMDL, Ecology's municipal, industrial and construction stormwater permits establish the primary activities needed to control pollution from stormwater. Draft TMDL, p. 24. The City of Spokane is one of the municipalities covered by the Eastern Washington Phase II Municipal Stormwater General Permit. The

draft TMDL assumes that compliance with the permit constitutions compliance with the TMDL. *Id*

Corrections And More Specific Comments

In comparison with the comments above that are designed to address the more general substantive issues, the following comments address what appear to be more specific points or apparent errors:

Fact Sheet

Fact Sheet, p. 1 – The "type of treatment" is an incomplete description of the RPWRF. In addition to activated sludge and chlorine disinfection, the RPWRF provides dechlorination, seasonal phosphorous removal, pH adjustment, nitrification and partial denitrification.

Fact Sheet, p. 5 – Item 8 on this page should indicate that the RPWRF uses "gravity belt thickeners." A new item 9 should be added stating that the facility has "pH adjustment using ~~manganese~~ magnesium hydroxide."

Fact Sheet, p. 7 – The end of the last sentence under "Discharge Outfall" should include the phrase "... and system malfunctions during dry weather."

Fact Sheet, p. 9 - We note the comment regarding pollutants that may be discharged even where no effluent limit is included in the permit. Based on sampling to date and monitoring required in condition S2.A., the City believes it is authorized to discharge pollutants such as PCBs, Dioxin, PBDE, silver, and mercury. The draft Permit does, therefore, address PCBs to the extent appropriate. There is no evidence suggesting that the RPWRF is causing or contributing to violations. Moreover, a PCB TMDL is pending and is the appropriate vehicle for addressing any concerns.

Fact Sheet, Page 12 – The calculation of technology-based effluent limits is confusing. The first three calculations refer to "concentration limit" but not to any particular pollutant such as BOD, TSS, or CBOD as in the fourth, fifth, and sixth calculations.

Fact Sheet, Page 15 – Reference to, City of Spokane AWTP (down stream from the permittee)"is confusing. This may be text mistakenly carried over from the Fact Sheet for the Inland Empire Paper Facility.

Fact Sheet, Page 18 – It is not clear why 20.3 degrees Celsius was used at the background for temperature. If Ecology believes the river does not meet the water quality criteria for temperature than this value should be substantially higher than the water quality criterion.

Fact Sheet, Page 16 – Reference to "July 1, 2007" appears to be a typographical error.

Draft Permit

Draft Permit, p. 5, Summary Table – Add the requirement in S6.A1(k) regarding the City's sewer use ordinance, with an initial due date of December 15, 2007.

Draft Permit, p.5, Summary Table – The reference to S12.D should be annual, not biannual. See corresponding text at p. 38.

Draft permit, p. 7, section S1A, Effluent Limitations – there is no difference between the Low Flow Season and the High Flow Season for BOD, TSS, Total Residual Chlorine and Ammonia. This is a deviation from the last permit. While the City make a strong effort to operate the facility such that it produces as high quality effluent as possible, it is not reasonable to incorporate low flow permit limits within high river flow periods that provide little or no environmental benefit and unnecessarily complicates compliance at the facility.

Draft Permit, pp. 7-8, S1A, Effluent Limitations - The maximum daily pounds per day for Ammonia (as NH3-N) appears to be a typographical error. If the other parameters are back-calculated, it is apparent that a plant flow of 44 mgd was used to calculate all "lbs/day" values. If that is correct, the value for the Ammonia Maximum Daily pounds per day should be 2323 pounds and not 1323 pounds. This also raises the question whether 44 mgd is the appropriate number for establishing a maximum daily loading to the RPWRF (see permit section S4.A., pp 14 -15) or maximum daily effluent limits. Maximum daily limit and loading, if these are even required, should reflect the maximum daily flow and not a monthly or annual flow of 44 mgd. Alternatively, the daily maximum should be deleted from the permit in favor of a monthly and or annual average (see comment above regarding daily limits).

Draft Permit, pp. 7-8, Effluent Limitations – The BOD limits of 30 and 45 mg/l seem to equate to 10,500 and 15,750 lbs/day; however, the TSS numbers do not correlate that way. This is very confusing and needs to be clarified. The limit appears to be based on Liquid Conceptual Design loadings for 2015 (85% removal efficiencies for BOD and TSS?).

Draft Permit, pp. 7-8, S1A, Effluent Limitations and pp. 10-11, section S2A, Monitoring Schedule - The various footnotes and "superscript" notes do not match. Also, note 'd' is identical to 'b'. Note 'f' refers to "the appendix"; it should specify which appendix if there will be more than one.

Draft Permit, pp. 7-8, S1A, Effluent Limitations – the pH daily maximum is listed as 9 whereas the note c (keeping in mind those are not correctly labeled) indicates a maximum of 8.5. This appears to be an error in the table, but is correctly stated in the respective footnote.

Draft Permit, p.8 – in Footnote (1) below the table ... should be "method detection **limit** (MDL)..."

Draft Permit, p. 8 – Superscript d is a repeat of superscript b. Superscript e Reference to the Monroe Street Gage should be changed to the USGS Spokane gage at Spokane, otherwise referred to as the Cochran Street gage. The gage is significantly down stream not only from Monroe Street, but even downstream of the Maple Street Bridge. Superscript f – we did not find the appendix referred to in the draft Permit.

Draft Permit, p. 8-9, S1A, Effluent Limitations, footnote 1 – The discussion regarding Method Detection Limits and Quantitication Limits states "Check standards at concentrations equal to the QL shall be analyzed alongside all compliance monitoring sample." This is significantly more onerous that standard lab practice, which involves analyzing one total residual chlorine check standard per day despite effluent being analyzed several times per day. In addition, the requirement to analyze the check standard at a level "equal to" the QL does not make sense given that the precision goal is +/- 20%. This would, in effect, result in an obligation to quantify the check standard less 20%. It would be preferable to frame it such that when analyzed and 20% is subtracted, the result is above the QL. An example would be for total residual chlorine with a QL of 50. The minimum check standard value should be approximately 65. 65 less 20% is 52. 52 is still above the QL and can be reported.

Draft Permit, p. 9 – In footnote 2 the descriptions are not clear. Suggest the following additions be considered:
"Average values shall be . . follows: measurements" <u>in averaging period</u> "below the MDL =0; Measurements greater than the MDL = the measurement." <u>All averaging period values as adjusted be added and the result divided by the number of averaging period values.</u> Then after the two sentences that follow the above add: <u>This means that the NQ reported results, when the actual result is > MDL will be represented in averaging calculations by use of the actual result and use of 0 when < MDL.</u>

Draft Permit, p. 10, S2.A. Monitoring Requirements – BOD: It appears that the "(1)" is intended to be a superscripted note reference, but the note references don't match the notes and all need to be correlated.

Draft Permit, p.10, S2.A. Monitoring Requirements – Total Ammonia line in table: It appears that NH4 should be NH3.

Draft Permit, p. 10 - Chlorine Usage, units. Chlorine gas is no longer used. Is it the intent for this number to represent the weight of chlorine added only, and not the weight of the chemical additive?

Draft Permit, pp. 10 & 11 - Superscripts are not appropriately located. Appears to have been thrown off by BOD5 where (1) was intended to identify a superscript. The 1 superscript was then misapplied to flow and ph sampling frequency and all others where off from there.

Draft Permit, p.14, S4.A Facility Loading – The definition of "dry" and "wet" seasons should be spelled out as they are in the Fact Sheet, p. 10 i.e. May-October = dry season.

Draft Permit, p.14, S4.A Facility Loading – The Peak Hour Flow is permitted up to 405 mgd, whereas the City's influent pipe can only carry in the high 130s.

Draft Permit, p. 18, S5.E – Substitute "diligently" for "strictly" to avoid inadvertent legal implications.

Draft Permit, p. 20, S6.A. – To enhance clarity, the reference to "Permittee" should also include reference to City of Spokane e.g. "The Permittee (City of Spokane) shall ....." Also, p. 26, S7.A.1 should read "The Permittee (Spokane County) shall ....." Similarly on p. 23, #5, and p. 29#5, the reference should be to "The Permittee" rather than to "Each Pretreatment Program Permittee."

Draft Permit, p.21, S6.A1a – For accuracy, delete "Ordinance 13.03" and substitute "Chapter 13.03 of the Spokane Municipal Code." Same applies on p.23, S6A5b.
Draft Permit, p.34, S10.B1 – Recommend replacing "floppy disk" with "CD/DVD."

Draft Permit, pp. 20 and 23 – Deadlines which fall in December 2007 should be revised based on the final date the Permit is issued so that a reasonable period of time is provided to comply.

Draft Permit, pp. 36-37 – Outfall 016: under the "overflow structure description" heading, replace the three descriptions with simply 'A' @ Linton. (consolidated down to one when CSO 16/18 facility went online this fall).

Draft Permit, pp. 36-37 – Outfall 018: remove this outfall entirely from the table. (eliminated when CSO 16/18 facility went on line this fall). Similarly, revise Draft Permit, Cover – CSO outfalls are down to 22 (vs 23).

Draft Permit, p38, S12.D – Replace "as" with "are" in the last line.

Draft Permit, p.38, S12.D – Substitute "practical and reasonable" for "possible" commensurate with general recognition of such factors, e.g., in terms such as "Maximum Extent Practicable," AKART and BMP.

Draft Permit, p. 38, S12.E.3 – Add to end of sentence: "...amendments and subsequent revisions."

Draft Permit, p.38, S12.E.4.b and E.4.c – The City considers these public notification obligations to be shared jointly with the Spokane Regional Health District, especially following Ecology's 2006 penalty order which called for a joint effort in relation to dry weather CSOs. The City therefore suggests adding the following language to the beginning of each subparagraph, i.e., "In conjunction with the regional health district, a mechanism ..." and "In conjunction ... a system..."

Draft Permit, p. 39, S13.D – Add "or as amended" after references to 1997 version of Water Reclamation and Reuse Standards. Same comment applies on p. 40, S13.H.3.

Draft Permit, p. 41, S13.H.3 – Clarify meaning of "prior to implementation." Does it mean prior to construction or operation?

Draft Permit, p. 41, S13.I – This first sentence should be prefaced as follows: "If the Permittee chooses to implement reclaimed water system(s), the Permittee shall complete a local ordinance..."

Draft Permit, p.43, S14.B. – The term "Pilot Testing" should be defined or explained.

Draft Permit, p.43, S14.B. – Pilot Testing is scheduled to be done by Nov. 2009 (not Nov. 2008, as currently stated).

Draft Permit, p. 43, S15 – Correct November 31 to November 30.